

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN

&

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

OP.No. 34290 of 2001(S)

PETITIONER:

**K.P.GOPI,
WORKS MATE,
OFFICE OF THE DEPUTY CHIEF ENGINEER,
CONSTRUCTION/SOUTHERN RAILWAY,
TRIVANDRUM.**

**BY ADV. SRI.T.C.GOVINDA SWAMY
SRI.K.M.ANTHRU
SRI.MARTIN G.THOTTAN
SRI.MANNATIL KUMAR**

RESPONDENTS:

- 1. UNION OF INDIA REPRESENTED BY
THE GENERAL MANAGER,
SOUTHERN RAILWAY,
HEADQUARTERS OFFICE,
PARK TOWN P.O, CHENNAI 3.**
- 2. THE CHIEF ENGINEER (CONSTRUCTION),
SOUTHERN RAILWAY,
EGMORE, CHENNAI-8.**
- 3. THE CHIEF PERSONNEL OFFICER,
SOUTHERN RAILWAY,
HEADQUARTERS OFFICE,
PARK TOWN P.O, CHENNAI -3.**
- 4. THE DEPUTY CHIEF ENGINEER (CONSTRUCTION),
SOUTHERN RAILWAY,ERNAKULAM JUNCTION,
ERNAKULAM.**
- 5. THE DIVISIONAL RAILWAY MANAGER,
SOUTHERN RAILWAY, MYSORE.**

- 6. THE CHIEF ADMINISTRATIVE OFFICER (CONSTRUCTION),
SOUTHERN RAILWAY,
EGMORE, CHENNAI-8.**
- 7. THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH, THROUGH ITS REGISTRAR.**

BY ADV. SRI.VARGHESE P.THOMAS, SC, RAILWAYS

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON
27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP NO.34290/2001

ORDER IN CMP NO.55990 OF 2001 IN OP NO.34290 OF 2001

DISPOSED OF VIDE JUDGEMENT DT.27.7.2007

27/07/2007

SD/-K.S.RADHAKRISHNAN, JUDGE.

SD/-ANTONY DOMINIC, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE OA NO.508/2000 FILED BY THE PETITIONER BEFORE THE C.A.T., ERNAKULAM BENCH.

EXT.P2: TRUE COPY OF THE REPLY STATEMENT FILED BY THE RESPONDENTS.

EXT.P3: TRUE COPY OF THE ORDER DATED 13.9.2001 IN OA NO.508/2000 OF THIS CAT, ERNAKULAM BENCH.

EXT.P4: TRUE COPY OF THE LETTER DATED 2.1.2001 ISSUED BY THE 3RD RESPONDENT.

EXHIBITS OF R1

EXT.R1(a): COPY OF THE PROVISIONAL SENIORITY LIST OF SECTION ENGINEER/P.WAY/KABAGAPUTHUR MYSORE DIVISION DT.24.8.99.

EXT.R1(b): COPY OF ORDER ISSUED BY THE 2ND RESPONDENT DT.23.9.99.

//TRUE COPY//

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ.

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O.P. NO. 34290 OF 2001

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Dated this the 27th day of July, 2007

J U D G M E N T

Radhakrishnan, J.

Considering the fact that the petitioner is still continuing as Works-mate in the construction organisation and that he has only 1½ years to retire, we feel it would be appropriate that the petitioner's request for continuance in the construction organisation be considered by the 2nd respondent. Counsel appearing for the petitioner submitted that in similar situations OA was allowed by the Tribunal. That fact also can be taken into consideration by the authorities when his request for continuance at construction organisation is considered. Till a decision is taken by the 2nd respondent, interim order granted by this court will continue. The 2nd respondent is directed to take a decision within a period of three months on the date of receipt of a copy of this judgment.

Original petition is disposed of as above.

K.S.RADHAKRISHNAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp